IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT TO TEXAS
BROWNSVILLE DIVISION

IN RE:	§	CASE NUMBER
	§	
EDUARDO SANCHEZ	§	16-10332
	§	
Debtor(s)	§	CHAPTER 13

EMERGENCY MOTION TO REFUND GARNISHED WAGES

This Motion Seeks an Order That May Adversely Affect You. If You Oppose the Motion, You Should Immediately Contact the Moving Party to Resolve the Dispute. If You and the Moving Party Cannot Agree, You must File a Response and Send a Copy to the Moving Party, You must File and Serve Your Response Within 21 Days of the Date this Was Served on You. Your Response must State Why the Motion Should Not Be Granted. If You Do Not File a Timely Response, the Relief May Be Granted Without Further Notice to You. If You Oppose the Motion and Have Not Reached an Agreement, You must Attend the Hearing. Unless the Parties Agree Otherwise, the Court May Consider Evidence at the Hearing and May Decide the Motion at the Hearing.

Represented Parties Should Act Through Their Attorney.

DEBTOR REQUESTS EMERGENCY RELIEF FOR MAY 18, 2017.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES EDUARDO SANCHEZ, Debtor in the above-styled proceeding, and moves the Court for an Order directing the Trustee to refund his garnished wages and as grounds for such states as follows:

1. This Chapter 13 case was filed on October 4, 2016.

2. An Amended Wage Order was signed on April 7, 2017 (Doc No. 44) and another signed on May 1, 2017 (Doc No. 49) directing the Debtor's employer, Bechtel OG & Const Serv, Inc. to withhold Chapter 13 Plan payments from his earnings and to make said payments to the Trustee.

3. On both Amended Wage Orders, the employer was to deduct $244.38 every weekly pay period.

4. Due to an error in the payroll department, the employer erroneously continued to deduct $376.16 per week (an amount in an earlier wage order) which posted to Debtor's Plan on April 12, 2017, April 17, 2017, April 25, 2017, and May 2, 2017. Debtor thus overpaid $527.12 in to his Plan during those pay periods.

5. Further, the employer has now erroneously deducted $376.16 in addition to the correct deduction of $244.38. These payments posted to the Debtor's Plan on May 9, 2017. This is an additional overpayment of $376.16.

6. On May 11, 2017, the employer, yet again, garnished $376.16 in addition to the correct amount of $244.38. While the payment has not posted, this is an additional overpayment of $376.16. A copy of the paystub reflecting a total deduction of $620.54 is attached.

7. The Debtor is requesting that the Trustee immediately refund him the total overpayment of $1,279.44 so that he can pay his everyday living expenses.

8. For the reasons set for above, Debtor is asking for emergency consideration.

WHEREFORE, PREMISES CONSIDERED, Debtor, EDUARDO SANCHEZ prays for an Order directing the Trustee to refund his garnished wages.

Respectfully submitted,

/s/ Enrique J Solana .

Enrique J Solana
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State Bar No. 24066114
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Brownsville, TX 78520
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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2017, a true and correct copy of the foregoing Motion was served on the following parties either by first class mail, postage prepaid, or electronically.

Eduardo Sanchez
665 Palm Haven Dr
Brownsville, TX 78521

Hon. Cindy Boudloche
Chapter 13 Trustee
555 N. Carancahua, Suite 600
Corpus Christi, TX 78478

And to all creditors and parties of record on attached mailing matrix.

/s/ Enrique J Solana .
Enrique J Solana

American Infosource
PO Box 248848
Oklahoma City, OK 73124

Buckley Madole, P.C.
14841 Dallas Parkway, Suite 425
Dallas, TX 75254

Cameron County Tax Office
964 E. Harrison St
Brownsville, TX 78520

Capital One Bank Usa N
15000 Capital One Dr
Richmond, VA 23238

Cmre. 877-572-7555
3075 E Imperial Hwy Ste
Brea, CA 92821

Comenity Bank/bealls
Po Box 2974
Mission, KS 66201

Diane Sanders
Linebarger Goggan Blair & Samps
P.O. Box 17428
Austin, TX 78760-7428

Diversified Consultant
10550 Deerwood Park Blvd
Jacksonville, FL 32256

Law Office of Enrique J Solana
914 E. Van Buren St
Brownsville, TX 78520

National Credit Adjusters
PO Box 3023
Hutchinson, KS 67504

Nationstar Mortgage Ll
350 Highland Dr
Lewisville, TX 75067

Receivables Performanc
20816 44th Ave W
Lynnwood, WA 98036

Wells Fargo Bank Nv Na
Po Box 31557
Billings, MT 59107

Wfds/wds
Po Box 1697
Winterville, NC 28590

1EL027SANC Statement of Earnings - Non-Negotiable 2718300036

YWUS Baytown
00027183 EDUARDO SANCHEZ
Pay Date: 05/11/2017
Pay Period: 05/01/2017 - 05/07/2017
Base Rate as of 05/01/2017: 21.80

Bechtel OG&C Const Serv, Inc.
3000 Post Oak Boulevard
Houston, TX 77056-6503

TOTAL NET PAYMENT 337.11

EARNINGS	HOURS	RATE	MO/DA	CURRENT	YTD
Straight Time	40.00	Base		872.00	
Overtime paid 1.5	7.00	Base		228.90	
TOTAL GROSS	47.00			1,100.90	19,786.23

PRE-TAX DEDUCTIONS	CURRENT	YTD
VPAI		40.00-
PPO $1000 Medical	63.92-	1,150.56-
TOTAL PRE-TAX DEDUCTIONS	63.92-	1,190.56-

TAXES AUTHORITY	Mar Sts	Nbr Alw	Add Amt	CUR-TAXABLE	CUR-TAX	YTD-TAXABLE	YTD-TAX
FED Withholdin	S	00				18,595.67	549.85-
FED EE Social				1,036.98	64.29-	18,595.67	1,152.93-
FED EE Medicar				1,036.98	15.04-	18,595.67	269.64-
TOTAL TAXES					79.33-		1,972.42-

AFTER TAX DEDUCTIONS	CURRENT	YTD
BANKRUPTCY	620.54-	7,259.64-
TOTAL AFTER TAX DEDUCTIONS	620.54-	7,259.64-

TOTAL NET PAYMENT ON THIS STATEMENT: 337.11
Direct Deposit of: 337.11 International Bank of Com To your Checking Acct.

END OF PAY STUB DETAILS